

according to the circuit board assembly disclosed in Kledzik. Therefore, their structure of mounting is very different.

In rejecting the claimed invention, the outstanding Office Action has positively stated that:

“Kledzik does not disclose the second component is larger in size than the first component.”

The Applicants agrees with this Office assessment of the shortcoming of Kledzik. However, the outstanding Office Action attempted to supplement the shortcoming of Kledzik by stating that:

“Herandez shows a second component (IC die 24) is larger in size than a first component (compactor 52).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a second component is larger than a first component as taught by Herandez to employ the printed circuit board unit of Kledzik for purpose of limiting space of stacked chip modules mounted on a printed circuit board.”

The Applicants respectfully disagree. It should be noted that in Kledzik, both the first and second components 104U, 104L and the carrier 105 have rectangular shapes and have leads coming from only both long sides thereof as shown in Figure 1. In Herandez, the capacitor 52 and the IC die 24 have square shapes with leads coming from all four sides as shown in Figures 1A, 2B, 4A and 6A.

It should be noted that once the four side lead components of Herandez be transported to the printed circuit board unit of Kledzik which is capable of only accommodating components

with leads coming from two opposite side, Kledzik would become inoperable.

MPEP 2143.01 has specifically stated that:

“[i]f proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).”

Therefore, in the opinion of MPEP and the Federal Circuit, the claimed invention is not rendered obvious by the Office formulated obvious rejection.

Reconsideration and withdrawal of this rejection are respectfully requested.

Claims 2-4 and 8-10 are rejected under 35 USC §103(a) as being unpatentable over Kledzik in view of Hernandez and further in view of Stearns et al. (U.S. Patent No. 6,160,705).

In rejecting the claimed invention , the outstanding Office Action has specifically stated that:

“Kledzik and Hernandez disclose all the limitation of the claimed invention, except for the auxiliary substrate having ground and power supply layers (18, 20) inside.”

The Applicants agrees with the Office assessment that the references fail to disclose or teach the auxiliary substrate having ground and power supply layers inside. However, Applicants respectfully disagree that all other limitations are disclosed. In fact, as explained in response to the rejection in which this rejection is based thereupon, the Office proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, therefore,

there is no suggestion or motivation to make the proposed modification.

For the foregoing reasons, the claimed invention patentably distinguishes over the prior art. Reconsideration and withdrawal of this rejection are respectfully requested.

Prior Art Indicated To Be Pertinent To The Disclosure

The Office has provided a list of prior art indicated to be pertinent to the Applicants' invention. Consistent with the understanding as stipulated in MPEP 706.02 that only the best prior art should be applied, this list of prior art not having been applied by the Office, it is the Applicants' understanding that the Office must have considered the listed prior art to be no more pertinent than the applied prior art of record.

CONCLUSION

It is believed that this Amendment is fully responsive to the Office Action dated **August 29, 2002**.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP



Michael N. Lau

Attorney for Applicants

Reg. No. 39,479

MNL/alw

Atty. Docket No. **011620**
Suite 1000, 1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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